



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 4

IMMIGRATION AND ASYLUM

Refugee Convention

33 Certificate that Convention does not apply

- (1) This section applies to an asylum appeal before the Special Immigration Appeals Commission where the Secretary of State issues a certificate that—
 - (a) the appellant is not entitled to the protection of Article 33(1) of the Refugee Convention because Article 1(F) or 33(2) applies to him (whether or not he would be entitled to protection if that Article did not apply), and
 - (b) the removal of the appellant from the United Kingdom would be conducive to the public good.
- (2) In this section—

“asylum appeal” means an appeal under section 2 of the Special Immigration Appeals Commission Act 1997 (c. 68) in which the appellant makes [^{F1}an asylum claim (within the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002)], and

“the Refugee Convention” has the meaning given by that section.
- (3) Where this section applies the Commission must begin its substantive deliberations on the asylum appeal by considering the statements in the Secretary of State’s certificate.
- (4) If the Commission agrees with those statements it must dismiss such part of the asylum appeal as amounts to [^{F2}an asylum claim] (before considering any other aspect of the case).

Status: Point in time view as at 04/04/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Section 33. (See end of Document for details)

- (5) If the Commission does not agree with those statements it must quash the decision or action against which the asylum appeal is brought.
- (6) Where a decision or action is quashed under subsection (5)—
- (a) the quashing shall not prejudice any later decision or action, whether taken on the grounds of a change of circumstance or otherwise, and
 - (b) [^{F3}the asylum claim made in the course of the asylum appeal shall be treated for the purposes of section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending) as pending] until it has been determined whether to take a new decision or action of the kind quashed.
- (7) The Secretary of State may revoke a certificate issued under subsection (1).
- (8) No court may entertain proceedings for questioning—
- (a) a decision or action of the Secretary of State in connection with certification under subsection (1),
 - (b) a decision of the Secretary of State in connection with [^{F4}an asylum claim (within the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002)] in a case in respect of which he issues a certificate under subsection (1) above, or
 - (c) a decision or action of the Secretary of State taken as a consequence of the dismissal of all or part of an asylum appeal in pursuance of subsection (4).
- (9) Subsection (8) shall not prevent an appeal under section 7 of the Special Immigration Appeals Commission Act 1997 (appeal on point of law).
- (10) Her Majesty may by Order in Council direct that this section shall extend, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.

Textual Amendments

- F1** Words in s. 33(2) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(1)**
- F2** Words in s. 33(4) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(2)**
- F3** Words in s. 33(6)(b) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(3)**
- F4** Words in s. 33(8)(b) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), arts. 2, 3, **Sch. para. 16(4)**

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Changes to legislation:

There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Section 33.